

Deficiency Progress Report- Update 3

Submitted: May 26, 2010

To complete the evaluation process, Cal/EPA requires the CUPAs to submit Deficiency Progress Reports that explain the CUPA's progress towards correcting the identified deficiencies. Deficiency Progress Reports are due every 90 days after the evaluation date until all deficiencies have been corrected.

CUPA: Modoc County Health Department

Evaluation Date: September 1 and 2, 2009

Evaluators:

Cal/EPA: Ernie Genter

SWRCB: Terry Snyder

CalEMA: Jack Harrah

OFSM: Jennifer Lorenzo

Date Update 1 submitted: September 29, 2009

Status: Deficiencies 1, 2, 3, 4, 5, and 6 remain outstanding

Date Update 2 submitted: February 16, 2010

Deficiencies corrected with Update 2: 3 (contingent), 5, and 6 (contingent)

Status: Deficiencies 1, 2, and 4 remain outstanding

Date Update 3 submitted: May 26, 2010

Deficiencies corrected with Update 3: 4 corrected, 3 & 6 (contingent)

Status: Deficiencies 1 and 2 remain outstanding

Next Update Report (Update 4) due date: August 30, 2010

Deficiency 1: The CUPA has not certified that they have reviewed or updated the Area Plan during the past five years.

Preliminary Corrective Action(s): By September 2, 2010, the CUPA will certify to CalEMA that they have reviewed and made necessary updates to the hazardous materials portion of the county operational plan.

CUPA Corrective Action, (Update 1): Currently in Progress.

Cal EMA Response: *Please report your progress on the next update.*

CUPA Corrective Action (Update2):

Still in progress. Director Warren Farnam has reviewed the deficiency with the Sheriff's office in an effort to coordinate the updating of the area plan. He will continue to check for progress.

Cal EMA Response: *Please report your progress on the next update.*

CUPA Corrective Action (Update3): Director Farnam has reviewed the Area Plan and is currently working on revisions regarding Pesticide Drift in the Hazardous Materials Incidents section of the plan. This process has to be coordinated with the County OES (Sherriff's Office) and approved by the Board of Supervisors. Currently, funding and personnel cut backs prevent this task from being completed in a timely fashion. We recognize this issue and project the Area Plan being updated by June 30, 2011.

Cal EMA Response: *Cal EMA and Cal/EPA appreciate the CUPAs efforts. Please report your progress on the next update.*

Deficiency 2: The CUPA is not implementing and enforcing the requirements of the business plan program for all handlers subject to the program. Specifically, the CUPA is neither regulating nor properly exempting agricultural handlers subject to the business plan program.

Preliminary Corrective Action(s): By February 2, 2010, the CUPA will submit an action plan, with projected timeline, to either regulate all farms subject to the business plan program or to properly exempt these businesses under HSC, Chapter 6.95, Section 25503.5(c)(2), (3), (4) or (5).

CUPA Corrective Action, (Update 1): Currently in Progress.

CalEMA Response: *Please report your progress on the next update.*

CUPA Corrective Action (Update2):

Director Farnam has contacted the Ag Commissioner and he agreed to follow the current MOU for maintaining the records on agriculture businesses. If significant progress is not seen by fiscal year end we have prepared an alternative action of exempting agriculture handlers under HSC Chapter 6.95, Section 25503.5©(2), (3), (4), (5). See attached exemption form.

CalEMA Response: *Please report your progress on the next update.*

CUPA Corrective Action (Update3): The Ag Commissioner has received the new Ag Handling exemption form. However the current pesticide use permitting cycle is predominantly over for 2010. The Ag Commissioner is going to distribute the new forms during the 2011 pesticide permitting cycle.

CalEMA Response: *Please report your progress on the next update.*

Deficiency 3: The CUPA is not adequately collecting, maintaining and reporting the number of facilities with violations on the Annual Enforcement Summary Report (Report 4).

Preliminary Corrective Action(s): By February 2, 2010, the CUPA will submit an action plan, with projected timeline, to track and report violations. The CUPA's 2009/2010 Annual Enforcement Summary Report 4 will have accurate violation information, using the new Report 4 form.

CUPA Corrective Action, (Update 1): Modoc County CUPA has put together a new Inspection Form that separates out the different violations by category (minor, Class I, Class II, SOC) and also has made up a new spreadsheet in Excel to track the inspections throughout the year for reporting Report 4.

Cal/EPA Response: *Cal/EPA appreciates the efforts by the CUPA to improve the tracking and reporting of violations. Please forward a copy of the CUPA's new Inspection Form and spreadsheet. The recently submitted Report 4 for 2008-2009 did have an error that was discussed with staff over the phone. It appears that the error was in placing data in the wrong column on the Report. Spreadsheet data had the correct information. Cal/EPA will review the FY 2009-2010 Report 4 for reporting data and will determine at that time if sufficient progress has been made to consider this deficiency corrected.*

CUPA Corrective Action (Update2): Please see attached Inspection Form.

Cal/EPA Response: *Cal/EPA considers this deficiency corrected contingent on 2009-2010 Report 4 adequacy.*

CUPA Corrective Action (Update3): Pending 2009-2010 Report 4 submittal.

Cal/EPA Response: *Cal/EPA considers this deficiency corrected contingent on 2009-2010 Report 4 adequacy.*

Deficiency 4: The Underground Storage Tanks (UST) plot plans did not contain all the required elements. The plot plans were missing the location(s) of where the monitoring will be performed.

Preliminary Corrective Action(s): Beginning September 3, 2009, UST plot plan requirements will be modified to include location of all leak detection monitoring equipment. The CUPA will request updated plot plans to be submitted by the time the UST facility is annually inspected. In addition, the CUPA will ensure that new permit application materials also contain completed plot plans. By

September 3, 2010, the CUPA will ensure that all UST plot plans contain all the required elements.

CUPA Corrective Action, (Update 1): Modoc County CUPA has made up a new Map that will go out with the CUPA bill on November that will have direction on putting down their monitoring equipment and sensors as well as the location of the UST system.

SWRCB Response: *The SWRCB appreciates the efforts by the CUPA to improve their program. Please send by email a copy of the plot map and directions when you do the billing and the SWRCB will review them. Once the documents have been reviewed, the SWRCB will determine if sufficient progress has been made to consider this deficiency corrected.*

CUPA Corrective Action (Update2): Maps have begun to arrive with necessary changes made and locations of sensors and monitoring equipment.

SWRCB Response: *The SWRCB can not recall if the plot map and directions were previously sent or find them in our records. Please send by email a copy of the plot map and directions when you do the billing and the SWRCB will review them. (If already sent, I apologize for the inconvenience but please resend.) Once the documents have been reviewed, the SWRCB will determine if sufficient progress has been made to consider this deficiency corrected.*

CUPA Corrective Action (Update3): On March 11, 2010 the CUPA sent a copy of the plot map and directions to SWRCB and Cal/EPA. SWRCB commented and the CUPA resubmitted the plan with additions/corrections on March 29, 2010. The SWRCB approved plan April 5, 2010.

SWRCB Response: *Deficiency 4 is now considered corrected.*

Deficiency 6: The CUPA does not report SOC criteria on its Semi-annual Report 6. The CUPA inspector has not been trained or made aware of the need to report Significant Operational Compliance (SOC) violations after the routine inspection of the facility and on Report 6.

Preliminary Corrective Action(s): Before the next routine inspection of an UST facility, the UST inspectors will review and study the SOC Matrices for California which include the Release Detection Matrix and Release Prevention Matrix. The CUPA can also review the SOC Training PowerPoint presentation and annual compliance inspection documents developed by the State Water Resources Control Board (SWRCB). Additionally, the SWRCB is available to conduct

training and assist with identifying SOC criteria on the CUPA's Compliance Inspection Checklist.

CUPA Corrective Action, (Update 1): Modoc County CUPA has prepared a new inspection checklist based on a version supplied by Terry Snyder that categorizes the violation into: Minor, Class I, Class II, and SOC violations. We have also reviewed the powerpoint presentation provided by Terry Snyder on recognizing SOC violations for ease of reporting. In addition we have printed out the Cal/EPA Violation Classification Guidance workbook to help in the reporting process. These violations will also be tracked on our Excell Spreadsheet used after inspections.

SWRCB Response: *The SWRCB appreciates the efforts by the CUPA to improve the tracking and reporting of SOC violations. Please forward by email a copy of the CUPA's new UST Inspection Checklist. The SWRCB will review the next Report 6 for SOC reporting data and will determine at that time if sufficient progress has been made to consider this deficiency corrected.*

CUPA Corrective Action (Update2): Please see attached Inspection Form. Report 6 was sent in to Terry Snyder. No inspections on UST's have been made since the Deficiency Progress Report was issued due to inclement weather in our region. Most inspections are conducted in the spring when snow levels decrease and grounds thaw.

SWRCB Response: *The SWRCB likes the new Inspection Checklist and is pleased that the CUPA has incorporated most if not all the model checklist that we developed. The SWRCB appreciates the efforts by the CUPA to improve the tracking and reporting of SOC violations. The SWRCB considers this deficiency corrected contingent on SOC reporting data on the next Report 6 (January-June 2010). As stated by the CUPA, the last Report 6 submitted had no inspections.*

CUPA Corrective Action (Update3): Pending January-June 2010 Report 6 submittal.

SWRCB Response: *The SWRCB considers this deficiency corrected contingent on SOC reporting data on the next Report 6 (January-June 2010).*